



Practitioner's Docket No. 1540/140

RECEIVED
OCT 24 2002
TECH. CENTER 1600/2960
10/31/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gordon et al

Application No.: 09/932,821

Group No.: 1614

Filed: August 17, 2001

Examiner: Bahar

For: Novel Formulations for Administering
Therapeutic Lipophilic Molecules

Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT AFTER
MAILING DATE OF FINAL ACTION OR NOTICE OF ALLOWANCE
BUT BEFORE PAYMENT OF ISSUE FEE (37 C.F.R. SECTION 1.97(d))

NOTE :An information disclosure statement shall be considered by the Office if filed after the mailing date of either (1) a final action under Section 1.113 or (2) a notice of allowance under Section 1.311, whichever occurs first, but before payment of the issue fee, provided the statement is accompanied by: (i) a statement as specified in paragraph (e) of Section 1.97, (ii) a petition requesting consideration of the information disclosure statement, and (iii) the petition fee set forth in Section 1.17(i).

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date: October 17, 2002

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office (703) ____-____.

Signature

Morton Chirnomas

(type or print name of person certifying)

(Transmittal of Information Disclosure Statement After Mailing Date of Final Action or Notice of Allowance But Before Payment of Issue Fee--page 1 of 3)

10/23/2002 ADDUFD1 00000048 194972 09932821

01 FC:1460 130.00 CH

NOTE: *If the information disclosure statement that contains the items required by 37 C.F.R. section 1.97(d) is filed before, or simultaneously with, the payment of the issue fee, then it will be considered. See Notice of April 20, 1992 (1138 O.G. 37-41, 40) and 37 C.F.R. Section 1.97(d).*

TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed *after* a final action under Section 1.113, or a notice of allowance under Section 1.311, whichever occurs first, but before, or simultaneously with, the payment of the issue fee.

WARNING: *"A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).*

STATEMENT, PETITION AND FEE

2. In accordance with the requirements of 37 C.F.R. Section 1.97(d):

- A. Accompanying this transmittal is a statement, as specified in 37 C.F.R. Section 1.97(e).
 - B. Applicant hereby petitions for the consideration of the accompanying information disclosure statement. 37 C.F.R. Section 1.97(d)(2).
-
- C. Applicant submits the petition fee set forth in Section 1.17(i) (\$130.00).

NOTE: *"The petition should be directed to the Group Director of the examining group handling the application. The petition need do nothing more than request consideration of the information being submitted." Notice of April 20, 1992 (1138 O.G. 37-41, 40).*

FEE DUE

3. Petition fee due (Section 1.17(i)): \$130.00

METHOD OF PAYMENT OF FEE

4.

☐ Attached is a check for \$130.00.

☒ Charge Account 19-4972 \$130.00.

A duplicate of this petition is attached.

If any additional petition fees are due, please charge Account #19-4972.

Reg. No. 34,465

Tel. No. (617) 443-9292

Customer No.:002101



SIGNATURE OF PRACTITIONER

Morton Chirmomas

(type or print name of practitioner)

Bromberg & Sunstein LLP
125 Summer Street, 11th Floor

P.O. Address

Boston, MA 02110



(Rel. 85-11/00 Pub. 605)

FORM 6-1

RECEIVED

OCT 24 2002 6-17

TECH CENTER 1600/2900

Practitioner's Docket No. 1540/140

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gordon et al.

Application No.: 09/932,821

Group Art Unit: 1614

Filed: August 17, 2001

Examiner: Bahar

For: Novel Formulations for Administering
Therapeutic Lipophilic Molecules

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

CERTIFICATE UNDER 37 C.F.R. § 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents,
Washington, D.C. 20231

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10*

- ☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"
Mailing Label No. _____ **(mandatory)**

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: October 17, 2002


Signature

Morton Chirnomas

(type or print name of person certifying)

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant within any one of the following time periods:

- (1) Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
- (2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;
- (3) Before the mailing date of a first Office action on the merits; or
- (4) Before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114."

37 C.F.R. § 1.97(b).

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. § 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. § 1.56(c).

NOTE: The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O. G. 13 -25 at 17.

WARNING: "No information disclosure statement maybe filed in a provisional application." 37 C.F.R. § 1.51(d).

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:
(check sections forming a part of this statement: discard *unused* sections and number pages consecutively)

1. ☒ Preliminary Statements
2. ☒ FORMS PTO/SB/08A and 08B (formerly FORM PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☐ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
 - 7A. ☐ EPO Search Report
 - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections _____, respectively, have been continued on ADDED PAGE(S).

NOTE: "Once the minimum requirements are met the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

(Information Disclosure Statement [6-1]--page 2 of 7)

Section 1. Preliminary Statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 6. Copies of Listed Information Items Accompanying This Statement

NOTE: 37 C.F.R. § 198(a)(2) requires that any information disclosure statement filed under § 1.97 shall include:

"A legible copy of.:

- (i) Each U.S. patent application publication and U.S. and foreign patent;
- (ii) Each publication or that portion which caused it to be listed,
- (iii) For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion. . .

Legible copies of all items listed in Forms PTO/SB/08A and 08B (formerly Form PTO-1449) accompany this information statement.

(complete the following, if applicable)

Exception(s) to above:

- ☐ Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.
- ☐ Cumulative patents or publications identified in Section 5.

Section 10. Identification of Person(s) Making This Information Disclosure Statement

The person making this statement is

(check each applicable item)

- (a) ☐ the inventor(s) who signs below

SIGNATURE OF INVENTOR

(type or print name of inventor who is signing)

- (b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c))

SIGNATURE OF INVENTOR

(type or print name of inventor who is signing)

- (c) ☒ the practitioner who signs below on the basis of the information:

(check each applicable item)

- ☐ supplied by the inventor(s).
☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. § 1.56(c))

- ☒ in the practitioner's file.

Reg. No.: 34,465

Tel. No.: 617/443-9292

Customer No.: 00-2101



SIGNATURE OF PRACTITIONER

Morton Chirnomas

(type or print name of person certifying)
Bromberg & Sunstein, LLP
125 Summer Street, 11th Floor
Boston, MA 02110

(Information Disclosure Statement-Section 10. Identification of Person(s) Making This Information Disclosure Statement [6-1]-page 7 of 7)